

THE HON'BLE SRI JUSTICE V. ESWARAI AH

W.P.No. 19434 of 2005

Dated:29-06-2007

Between:-

L. Sabita and another.

..Petitioners

And

Govt. of India rep., by its Secretary,
Petroleum, New Delhi and three others.

..Respondents

THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.No. 19434 of 2005

:O R D E R:

Heard the learned counsel appearing for the petitioners as well as the learned standing counsel for the respondents-Corporation.

The case of the petitioners is that pursuant to the notification dated 30-06-2005 issued by the third respondent for appointment of Kisan Seva Kendra Centre (for short 'the Centre') Operators in the locations mentioned in the notification, the petitioners have made applications. The objective of setting up of Kisan Seva Kendras is to reach Diesel, lubricating oils and agro input products at Kisan's doorstep and that the Kisan Seva

Kendra will be developed at the site owned/taken on lease by the operator and that it will be developed jointly by the Indian Oil Corporation and the operator. One of such location earmarked is at Gopalpet village of Mahaboobnagar district which is notified at serial No.13 of the notification. The notification stipulates certain eligibility criteria for operatorship and the interested persons along with the details and documents of the land were requested to call on Divisional Retail Sales Managers on 20-07-2005 between 10-00 to 16-00 hours and the candidates were directed to bring the original documents in support of the eligibility criteria when they call on Divisional Retails Sales Managers on 20-07-2005.

It is stated that the petitioners have appeared before the Divisional Retails Sales Manager on 20-07-2005 and applied for the Operatorship.

Sri B. Madhava Reddy, learned counsel for the petitioners submits that the petitioners were not at all given any marks for the capability to provide land and infrastructure facility, whereas the fourth respondent has been awarded 19.2 marks for having the capability to provide land and infrastructure facility. Thus, the said action of the respondents has been questioned contending that notification does not prescribe any particular location of the land either in the village or on the National or State Highways; and that there is no bar to select the location of the land whether it may be on the

National Highway or State Highway. The location of the land selected by the petitioners is on State Highway.

A perusal of the notification clearly shows that the object of the Indian Oil Corporation to set up Kisan Seva Kendras is to make available to the farmers the Diesel, lubricating oils and agro input products at the Kisan's door step. As number of retail outlet dealers are available at National and State highways, but there are no such operators at the remote villages, obviously Kisan Seva Kendra are to be located in the remote areas for the purpose of providing facilities to the farmers but not to establish on the National and State highways. The purpose of setting up the Kisan Seva Kendras appears to be to make available the Diesel, lubricating oils and agro input products at the village level, but not at far away places or on the National or State Highways .

I have pursued the relevant records of the respondent-Corporation. A perusal of the 'Format for Evaluation Retail Outlets' in respect of K.S.K. Operator of Gopalpet, Mahabubnagar

dt. 30-06-2005, would show that the fourth respondent secured 72.8 total number of marks in the merit panel relating to the capability to provide land and infrastructure facilities, capability to arrange finance; educational qualifications; capability to generate business etc., Out of nine candidates interviewed, only the 4th respondent was awarded 19.2 marks for having capability to provide land

and infrastructure facilities and the rest of the candidates secured zero marks. It is stated that the land selected by the 4th respondent is on the village road which is convenient to all the farmers. Therefore, I am of the considered opinion that the petitioners are not entitled for any relief. However, so far as the contention of the petitioner that there is no condition imposed in the notification that more marks will be allotted to the site, if it is not nearer to National or State Highway, awarding of marks to the 4th respondent at 19.2 is illegal and arbitrary, cannot commend merit acceptance. I am of the opinion that the object of the scheme is in making Diesel, lubricating oils and agro input products available at Kisan's door steps pursuant to which IOC intended to set up the Kendras in the remote places and therefore it cannot be said that awarding of lesser marks to the land selected by the petitioner compared to the fourth respondent is arbitrary. There are no merits in the writ petition. The writ petition is accordingly dismissed. No costs.

V. ESWARAIAH, J

Dated: 29-06-2007.

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